

ITEM NO.65

COURT NO.3

SECTION IIA

S U P R E M E

C O U R T O F I N D I A

R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl)...../2009

(CRLMP.NO(s).17057)

(From the judgement and order dated 17/02/2009 in CRLM No. 23326/2008 of The HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH)

STATE OF PUNJAB

Petitioner(s)

VERSUS

SARABDEEP SINGH VIRK

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 30/10/2009

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr.Raju Ramachandran, Sr.Adv.

Mr. Kuldip Singh, Adv.

Mr.R.K.Pandey, Adv.

Mr.T.P.Mishra, Adv.

Mr.Sanjay Katyal, Adv.

For Respondent(s)

Mr.K.V.Vishwanathan, Sr.Adv.

Mr.Jagdish N., Adv.

Mr. K.L. Janjani, Adv.

UPON hearing counsel the Court made the following

O R D E R

1. Delay condoned.

2. This Special Leave Petition has been filed against

an order rejecting an application for cancellation of bail granted to the respondent by the High Court earlier. Mr. Raju Ramachandran, learned senior counsel appearing on behalf of the State of Punjab submitted that in spite of directions made by the authorities and in spite of repeated notices and reminders to appear with the answer of the questionnaire served on the respondent, the respondent did not appear at all before the investigating agency. Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the respondent however submitted on instruction that no such questionnaire was served or received by the respondent and in fact, the respondent had sent several

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letters saying that in view of certain personal problems, it was not possible for him to appear before the authorities on the dates fixed.

3. Without going into this factual dispute as raised by the learned counsel for the parties and after hearing the learned counsel for the parties, we dispose of this Special Leave Petition in the following manner :-

a) The Investigating Agency of the State of Punjab is directed to serve a copy of the questionnaire to the respondent within a period of two weeks from this date positively.

b) The respondent is directed to appear personally before the Investigating Agency on 20th of November, 2009 which was the date prayed for by Mr. Vishwanathan, learned senior counsel appearing on behalf of the respondent. In this view of the matter, no further notice shall be served upon the respondent.

c) If the respondent appears on the date mentioned above before the Investigating Agency, the authorities would be at liberty to proceed in accordance with law for the purpose of interrogation of

the respondent and ensure the questionnaire that shall be served  
by the Investigating Agency to the respondent.

4. With the above observations and directions, this Special  
Leave Petition is disposed of. There will be no order as to  
costs.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master